



## Western Sahara

### Country Reports on Human Rights Practices - [2000](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
February 23, 2001

The sovereignty of the Western Sahara remains the subject of a dispute between the Government of Morocco and the Polisario Front, an organization seeking independence for the region. The Moroccan Government sent troops and settlers into the northern two-thirds of the Western Sahara after Spain withdrew from the area in 1975, and extended its administration over the southern province of Oued Ed-Dahab after Mauritania renounced its claim in 1979. The Moroccan Government has undertaken a sizable economic development program in the Western Sahara as part of its long-term efforts to strengthen Moroccan claims to the territory.

Since 1973 the Polisario Front has challenged the claims of Spain, Mauritania, and Morocco to the territory. Moroccan and Polisario forces fought intermittently from 1975 until the 1991 ceasefire and deployment to the area of a U.N. peacekeeping contingent, known by its French initials, MINURSO.

In 1975 the International Court of Justice issued an advisory opinion on the status of the Western Sahara. The Court held that while some of the region's tribes had historical ties to Morocco, the ties were insufficient to establish "any tie of territorial sovereignty" between the Western Sahara and the Kingdom of Morocco. The Court added that it had not found "legal ties" that might affect the applicable U.N. General Assembly resolution regarding the decolonization of the territory, and, in particular, the principle of self-determination for its people. Most Sahrawis (as the majority of persons living in the territory are called) live in the area controlled by Morocco, but there is a sizable refugee population near the border with Morocco in Algeria, and, to a lesser extent, in Mauritania. The majority of the Sahrawi population lives within the area delineated by a Moroccan-constructed berm, which encloses most of the territory.

Efforts by the Organization of African Unity (OAU) to resolve the sovereignty question collapsed in 1984 when the OAU recognized the Saharan Arab Democratic Republic, the civilian arm of the Polisario Front. Morocco withdrew from the OAU in protest.

In 1988 Morocco and the Polisario Front accepted the U.N. plan for a referendum that would allow the Sahrawis to decide between integration with Morocco or independence for the territory. The referendum was scheduled for January 1992, but was postponed because the parties were unable to agree on a common list of eligible voters--despite the previous acceptance by both parties of an updated version of the Spanish census of 1974 as the base for voter eligibility. A complicated formula for determining voter eligibility ultimately was devised and, in August 1994, MINURSO personnel began to hold identification sessions for voter applicants.

The initial U.N. voter identification effort ended in December 1995 and, after several fruitless efforts to persuade the two parties to cooperate, the U.N. Security Council formally suspended the identification process in 1996. The United Nations and friendly governments continued to urge the two parties to seek a political solution to the conflict. In March 1997, U.N. Secretary General Kofi Annan appointed former U.S. Secretary of State James Baker as his personal envoy to examine possible approaches for a peaceful settlement. Baker visited the region, and negotiations between the Moroccan Government and the Polisario began in May 1997. In September 1997, representatives of Morocco and the Polisario met in Houston in the United States and consented to a series of compromise agreements on the 1991 U.N. settlement plan to hold a referendum under U.N. auspices. According to the Houston Accords, the identification of potential voters, the referendum campaign, and the vote were to take place by December 1998; however, operational considerations again delayed the scheduled referendum, and Annan's latest reports to the Security Council during the year expressed doubt that the referendum could be held before 2002.

In August 1998, MINURSO completed identification of voters in all uncontested tribal groupings. In November

1998, the U.N. Secretary General visited the region to examine ways to achieve compromise on several contested elements of the settlement plan in order to move the referendum process forward. After his consultations, the Secretary General proposed a series of measures in December 1998 to both parties. The measures proposed were aimed at establishing procedures among the parties to allow MINURSO to begin the identification process of three "contested tribes." After agreement between the parties was reached on the contested tribes, MINURSO began the identification process of an additional 65,000 potential voters. The identification process of the three contested tribes was completed in December 1999. Only 4 percent of the applicants in this phase of the identification process were deemed eligible to vote in the referendum. Roughly 80,000 appeals also have been registered by those who were deemed ineligible to vote after the first round of the identification process. Approximately 50,000 additional appeals were filed after the completion of the identification process for the 3 "contested tribes," bringing the total number of appeals to nearly 130,000. MINURSO has not yet begun to adjudicate appeals from the identification process, due to continuing differences between the parties over who should be eligible to appeal, on what grounds, and by what process.

As the end of MINURSO's mandate drew near in February, U.N. Secretary General Kofi Annan urged a review of the situation. Annan requested Baker to consult the parties to explore ways to achieve an "early, durable and peaceful" settlement to their dispute. Baker visited Algeria, Morocco, and the Western Sahara in April to consult with all of the interested parties. Baker sought to reconcile differences over the U.N. Settlement Plan or find other approaches that might resolve the dispute. He returned without a consensus and described the process as being in the same position as in 1997 and 1998. At the invitation of Annan, the Government of Morocco and the Polisario met in London in May and again in June in an attempt to resolve the parties' longstanding differences over the settlement plan, and to explore other avenues to resolve their dispute over the territory; however, little progress was made. In June Baker called on the parties to meet again, emphasizing that consideration should be given to finding a solution that reached a compromise between full independence for the territory and its full integration with Morocco. A technical meeting of the parties in Geneva in July to discuss the appeals process, confidence-building measures in the territory, and the fate of more than 1,600 Moroccan prisoner's of war (POW's) still held by the Polisario also failed to produce any breakthroughs. Annan made clear in three reports to the U.N. Security Council during the year that disputes between the parties over various issues in the Settlement Plan likely would delay the holding of the referendum for the foreseeable future.

Since 1977 the Saharan provinces of Layounne, Smara, and Boujdour have participated in local elections that are organized and controlled by the Moroccan Government. The southern province of Oued Ed-Dahab has participated in Moroccan-controlled elections since 1983. Sahrawis whose political views are aligned with the Moroccan Government fill all the seats allotted to the Western Sahara in the Moroccan Parliament.

The civilian population living in the Western Sahara under Moroccan administration is subject to Moroccan law. U.N. observers and foreign human rights groups maintain that Sahrawis have difficulty obtaining Moroccan passports, that the Government monitors the political views of Sahrawis more closely than those of Moroccan citizens, and that the police and paramilitary authorities react especially harshly against those suspected of supporting independence and the Polisario Front. The Moroccan Government limits access to the territory, and international human rights organizations and impartial journalists sometimes have experienced difficulty in securing admission.

After years of denying that Sahrawis were imprisoned in Morocco for Polisario-related military or political activity, the Government of Morocco released more than 300 such prisoners in 1991. Entire families, and Sahrawis who had disappeared in the mid-1970's, were among those released. The Government of Morocco has failed to conduct a public inquiry or to explain how and why those released spent up to 16 years in incommunicado detention without charge or trial. The former Sahrawi detainees have formed an informal association whose principal objective is to seek redress and compensation from the Government of Morocco for their detention. A delegation of this association continued to meet with various government officials, human rights organizations, members of the press, and diplomatic representatives in both Rabat and in Layounne during the year. They reported that little progress has been made in gaining the Moroccan Government's recognition of their grievances. However, in July the Government, through the Arbitration Commission of the Royal Advisory Council on Human Rights (CCDH), began distributing preliminary compensation payments to Sahrawis who had disappeared or been detained in the past, and their family members. The Government announced that it intended such initial payments to be provisional funds for Sahrawis with urgent medical or financial needs who had appealed for compensation by December 31, 1999, and that more compensation could be distributed pending the results of the Commission's review of petitions by Sahrawi claimants. However, only a small number of those Sahrawis who formerly had disappeared or been detained have filed compensation claims because of their perceptions that the process is flawed administratively and one-sided in favor of the Government.

In December 1999, Moroccan security forces that reportedly were dispatched from Rabat detained one Sahrawi in the Western Saharan city of Laayoune and two Sahrawis in the southern Moroccan cities of Tan-

Tan and Agadir. The Government alleged that the three were spies for the Polisario Front. They reportedly were held for 8 days before their appearance in an Agadir court and before their families were informed of their detention. Family members and the Moroccan Association for Human Rights (AMDH) claimed that the arrests were a violation of human rights and due process, and proof that forced disappearances still occur in Morocco. A public trial was convened abruptly on May 30 after a lengthy and largely unpublicized police investigation that originally was to have culminated in a proceeding before a military tribunal. However, the case ultimately was tried in Agadir's court of first instance, and the three Sahrawis were convicted of threatening the internal security of the State and sentenced to 3 to 4 years in prison. According to a lawyer who represented the Sahrawis, during the trial the three defendants denied any relations with the Polisario Front, contradicting government allegations that the three confessed during their postarrest detention. During an appellate hearing on July 5, at the request of the public prosecutor all three were given 4-year sentences. On September 27, security forces in civilian dress detained a fourth Sahrawi at the Laayoune airport as he was about to board a flight to the Canary Islands. According to the Sahrawi's daughter, who witnessed the incident, two members of the security forces drove away with her father in a car with Casablanca license plates. Almost 10 days later, the Sahrawi reappeared in Agadir and was charged before the court of first instance for spying for the Polisario Front. Two days later, the fourth Sahrawi was sentenced to 4 years in prison for threatening the internal security of the State.

On April 5, a Moroccan civil court in the Western Sahara city of Laayoune sentenced five Sahrawi youth to prison terms of between 5 and 10 years for the "formation of a criminal association" after their alleged participation in a March 4 stone-throwing incident in Laayoune. Reliable sources said that the incident was spontaneous, unorganized, and lasted only 5 minutes.

The stone-throwing demonstration followed similar protests by Sahrawi students in several southern Moroccan and Western Sahara cities at the end of February and in early March, which security forces brutally dispersed in violent clashes. The February and March demonstrations came in response to the December 1999 incarceration of three Sahrawis accused of spying for the Polisario Front. Attendees at the trial, human rights activists, and an attorney for the five defendants criticized the handling of the trial, particularly the court's refusal to hear witnesses for the defense who allegedly could corroborate claims by at least two of the defendants that they were not present at the demonstrations. The court allegedly based its judgment on police reports and the testimony of two witnesses, one of whom reportedly could not identify positively the accused; the other was not present at the trial, but claimed that he saw in his rear view mirror a youth throwing a bottle at his car. The prosecution reportedly did not present a bottle as evidence nor did it present a witness who could testify that any of the five accused had thrown the bottle. The authorities claimed that the youths threw rocks at several vehicles, including one belonging to peacekeepers from the MINURSO contingent based in Laayoune, and attempted to set fire to a truck. However, the youths were acquitted of the arson charge during the trial. An attorney for the youths, who maintained that the prosecution produced no evidence of an incriminating act, stated that "the verdict had nothing to do with justice." The attorney also alleged that the judicial police investigating the affair committed several illegal acts by unlawfully entering homes of the accused and detaining them, torturing them during their detention, and forcing them under duress to sign police reports, which they were not allowed to read and which contained falsehoods. The decision was appealed before the court of appeals in Laayoune, which reportedly sent it to the Supreme Court in Rabat. A hearing on the case had not been held by year's end. Families of the five youths also sent a letter to the Moroccan royal palace in May requesting a royal pardon; however, the King took no action by year's end.

In its annual human rights report released in June, Amnesty International noted that some members of the Moroccan security forces in Morocco and the Western Sahara who were involved in several cases of torture were arrested and prosecuted. However, the organization also noted that "in the majority of cases, investigations were either not opened into complaints and allegations of torture ... or were opened but dismissed without adequate investigation."

During the year, there were no new developments related to police abuses committed in the Western Sahara city of Laayoune in September and October 1999, when police authorities there used brutal force to break up demonstrations organized by students, unemployed graduates, miners, and former Sahrawi political prisoners who were protesting a variety of social grievances. Police detained roughly 150 persons during the protests in September 1999 and 31 in October 1999. Police subjected some of those who were detained during violence in September 1999 to systematic beatings and other forms of physical coercion. Most of those detained were released; however, 26 persons were charged and sentenced to 10 to 15 years in prison on charges of destruction of property during the protests. Despite appeals lodged by defense lawyers during the year, none of these sentences were reduced or overturned.

In the aftermath of the September 1999 protests, King Mohammed VI immediately replaced the governor of the province, relieved the local police chief of his duties, and dispatched military security forces to the city to help restore order. A new royal commission was dispatched quickly to Laayoune in early October 1999 to explain to local residents proposed new measures to decentralize authority in the region, which would allow local

residents more choice in their affairs, and to announce a new election to choose members to a proposed new royal advisory council on the Western Sahara.

Despite the actions taken to restore confidence and order and to lessen tensions, renewed violence broke out in late October 1999. There were credible reports that the police provoked the violence, and there were further credible reports that police authorities unlawfully entered homes to arrest persons associated with the demonstrations in September 1999. Police reportedly detained 31 persons. Of these individuals, 10 persons reportedly were released within 24 hours and the remainder released within the following 2-week period. There was no investigation during the year into the excessive use of force by the police during either September 1999 or October 1999. There was also no progress during the year on local elections to choose members to the proposed new royal advisory council on the Western Sahara that the King had announced in October 1999.

A number of other Sahrawis remain imprisoned for peaceful protests supporting Saharan independence. Youths released in previous years report that the Moroccan police continue to monitor them closely.

The Polisario Front claims that the Moroccan Government continues to hold several hundred Sahrawis as political prisoners and approximately 300 as POW's. However, the Government of Morocco formally denies that any Sahrawi former combatants remain in detention. Representatives of the International Committee of the Red Cross (ICRC) have stated that Morocco indeed has released all Polisario former combatants. A committee that represents former Sahrawi prisoners also believes that the Government of Morocco no longer holds any of those Sahrawis who were detained illegally during the 1970's and 1980's. The committee based this determination on interviews with family members of individuals who had been detained during that period.

The Government of Morocco claims that 30,000 Sahrawi refugees are detained against their will by the Polisario in camps around Tindouf, Algeria. The Polisario denies this charge. According to credible reports, the number of refugees in Tindouf far exceeds 30,000, but the allegation that they wish to leave remains unsubstantiated.

The ICRC reported that the Polisario now holds 1,481 Moroccan POW's. A group of 185 POW's was repatriated to Morocco in a humanitarian airlift conducted under ICRC auspices in November 1995. In April 1997, Polisario leaders offered to release 85 Moroccan POW's as a good will gesture during U.N. envoy Baker's first meetings in Tindouf, but Morocco and the Polisario could not agree on the conditions of their release. On February 25, the Polisario released 186 Moroccan POW's, many of whom had been in detention for more than 20 years. Another 201 were released to the ICRC and repatriated to Morocco on December 14. The U.N. settlement plan calls for the release of all POW's after the voter identification process is complete. Foreign diplomats and representatives of international organizations privately urged the Polisario throughout the year to release the remaining Moroccan POW's, and emphasized that their continued detention 9 years after the cessation of hostilities was a violation of their human rights. During visits to the POW camps outside Tindouf, Algeria in April and November, the ICRC determined that all the Moroccan POW's were in extremely bad health. There also are credible reports that the Polisario authority used the POW's in forced labor. The Polisario leadership has refused to comply with repeated requests that all of the POW's be released on humanitarian grounds, despite the fact that most of the POW's have been in detention for more than 20 years and that their health was deteriorating seriously due to the poor conditions under which they are held.

There were no new cases of disappearance for the fourth consecutive year in that part of the Western Sahara under Moroccan administration. While the forced disappearance of individuals who opposed the Government of Morocco and its policies occurred over several decades, the Government in 1998 pledged to ensure that such policies do not recur, and to disclose as much information as possible on past cases. Many of those who disappeared were Sahrawis or Moroccans who challenged the Government's claim to the Western Sahara, or other government policies. Many of those who disappeared were held in secret detention camps. Although the Government released more than 300 such detainees in June 1991 and in October 1998 issued an announcement on those who had disappeared, hundreds of Sahrawi and Moroccan families still do not have any information about their missing relatives, many of whom disappeared over 20 years ago (see Section 2.b. of the Morocco report). On July 17, the Paris-based International Federation of Human Rights Leagues (FIDH) published a communique in which it claimed that disappearances of Sahrawis in the Western Sahara could number up to 1,500, although conditions in the territory prevented full confirmation of this figure.

Freedom of expression and freedom of peaceful assembly and association remain very restricted in the Western Sahara. According to Amnesty International, Moroccan authorities continue to deny the registration of the independent newspaper Sawt Al-Janoub.

Freedom of movement within the Western Sahara is limited in militarily sensitive areas, both within the area controlled by the Government of Morocco and the area controlled by the Polisario. Both Moroccan and

Polisario security forces sometimes subject travelers to arbitrary questioning. There were no reports of detention for prolonged periods during the year.

During the year, Amnesty International and news articles in Morocco-based media highlighted the deteriorating situation in Polisario Front camps near Tindouf in southwestern Algeria, where freedom of expression, peaceful assembly, association, and movement remain very restricted.

There is little organized labor activity in the Western Sahara. The same labor laws that apply in Morocco are applied in the Moroccan-controlled areas of the Western Sahara. Moroccan unions are present in the Moroccan-controlled Western Sahara but are not active. The 15 percent of the territory outside Moroccan control does not have any major population centers or economic activity beyond nomadic herding. The Polisario-sponsored labor union, the Sario Federation of Labor, is not active in the Western Sahara.

A group of phosphate miners participated in the demonstrations in Layounne in September and October 1999. They claimed that the government-owned phosphate company, for which they work, has failed to respect a contract that had been negotiated between the miners and the company's former Spanish management when Spain withdrew from the territory and relinquished control of the mines to Morocco. The miners stated that they held a series of meetings in late 1999 with officials of the government-owned phosphate company after the demonstrations, but that no agreement was reached about enforcement of what they believed to be their contractually protected rights.

There were no strikes, other job actions, or collective bargaining agreements during the year. Most union members are employees of the Moroccan Government or state-owned organizations. They are paid 85 percent more than their counterparts outside the Western Sahara as an inducement to Moroccan citizens to live there. Workers in the Western Sahara were exempt from income and value-added taxes and received subsidies on such commodities as flour, oil, sugar, fuel, and utilities.

Moroccan law prohibits forced labor, which does not appear to exist in the Western Sahara.

Regulations on the minimum age of employment are the same as in Morocco. Child labor appears to be less common than in Morocco, primarily because of the absence of industries most likely to employ children, such as rug-knotting and other traditional handicrafts. A government work program for adults, the Promotion Nationale, provides families with enough income that children need not be hired out as domestic servants. Children in the few remaining nomadic groups presumably work as shepherds along with other group members.

The minimum wage and maximum hours of work are the same as in Morocco. However, in practice workers in some fish processing plants may work as many as 12 hours per day, 6 days per week, well beyond the 10-hour day, 48-hour week maximum stipulated in Moroccan law. Occupational health and safety standards are the same as those enforced in Morocco. They are rudimentary, except for a prohibition on the employment of women in dangerous occupations.

[End.]